

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL DELON FLEMING,

Plaintiff

v.

Case No. 2:19-cv-12297
District Judge Mark A. Goldsmith
Magistrate Judge Anthony P. Patti

WAYNE COUNTY JAIL, et al.,

Defendants.

/

**ORDER DIRECTING PLAINTIFF TO PROVIDE FURTHER
IDENTIFICATION AS TO THREE DEFENDANTS**

In August 2019, Michael Delon Fleming (#358778), who is currently incarcerated at the Michigan Department of Corrections (MDOC) Bellamy Creek Correctional Facility (IBC), filed the instant lawsuit stemming from his August 30, 2018 arrival at Wayne County Jail (WCJ). (ECF No. 1, PageID.13.) Fleming names twenty-two defendants – seemingly comprised of fourteen Wayne County Defendants and eight Correct Care Solutions Defendants. (ECF No. 1; *see also* ECF No. 31, PageID.200 [Demand for Jury Trial].)

Plaintiff is proceeding *in forma pauperis* (ECF No. 12), so the United States Marshals Service (USMS) is assisting with service of process upon Defendants. See E.D. Mich. LR 4.1(b). On several occasions over the 32-month life of this case, the Clerk of the Court has prepared service paperwork and the USMS has

made attempts to effect service upon Defendants. (ECF Nos. 24, 29, 52-57, 60, 62.) At this time, appearances have been entered on behalf of seventeen Defendants. (ECF Nos. 32, 36, 38, 39, 49, 63, 75.)

Still, there are five Defendants who have yet to appear in this lawsuit. Preliminarily, the status of the USMS's November 2021 attempt to serve Jordan Murbach, who is described as a WCJ 2nd shift deputy, is unclear. (ECF No. 1, PageID.2; ECF No. 47, PageID.297; ECF No. 54.)

Notwithstanding these observations, the focus of *this* order is the unclear status of service as to three Defendants: (1) Sabatian, who Plaintiff describes as a Wayne County Jail (WCJ) 1st shift deputy; (2) Biaz, who Plaintiff describes as a WCJ 2nd shift deputy; and, (3) Deniess, who Plaintiff describes as the "head psychologist" for "the 4th Floor, Mental Health, Div. 1[.]" (ECF No. 1, PageID.1-2.) It appears the USMS attempted service upon these individuals on one occasion. (ECF No. 24, PageID.134, 141, 145; ECF No. 29, PageID.177, 184, 188.)

However, these apparent attempts have not resulted in the filing of an executed waiver or an appearance of counsel. Moreover, Wayne County has represented that it cannot identify Biaz, Deniess, or Sabatian. (ECF No. 47, PageID.297.) Also, while the Court previously ordered the USMS to attempt service upon these individuals at the Wayne County Jail (*see* ECF No. 48, PageID.302), the USMS

has informed the Court that it needs further identifying information, namely a first name for each individual.

Accordingly, no later than **Thursday, May 12, 2022**, Plaintiff is **DIRECTED** to provide, in writing, further contact information for Biaz, Deniess and Sabatian, while paying particular attention to the proper spelling of their first and last names and providing their addresses (if other than 570 Clinton Street, Detroit, MI 48226) (ECF No. 1, PageID.5, 7, 9), as such information is critical to the success of the USMS's attempts at service of process. If Plaintiff is unable to provide such information, these Defendants will be dismissed without prejudice.

See Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”).

IT IS SO ORDERED.

Dated: April 13, 2022



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE